

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK RANKINE,)	
)	
Plaintiff,)	
v.)	C.A. No. 04-100 Erie
)	
SUPERINTENDENT FOLINO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint and motion for a temporary restraining order was received by the Clerk of Court on March 30, 2004 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 2, 2007, recommended that Defendants' Motion for Summary Judgment *Nunc Pro Tunc*, or Relief Under F.R.C.P. 50 [Doc. # 111] be granted. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff filed objections [Doc. # 130] to the Report and Recommendation on February 9, 2007. He has also filed a supplemental brief [Doc. # 128] in support of his own motion for default judgment as well as two supplemental affidavits [Doc. # 129 and 131].

After de novo review of the Amended Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 15th Day of February, 2007, IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment *Nunc Pro Tunc*, or Relief Under F.R.C.P. 50 [Doc. # 111] is GRANTED.

The report and recommendation of Magistrate Judge Baxter dated February 2, 2007 [Doc. # 127] is adopted as the opinion of this Court. JUDGMENT is hereby entered in favor of DEFENDANTS and against PLAINTIFF.

s/ Sean J. McLaughlin
United States District Judge

cm: all parties of record ____